



New South Wales

Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) amend the *Road Transport Act 2013* (***the Act***) to provide for the automated detection of seatbelt offences, and
- (b) make consequential amendments to the *Transport Administration Act 1988*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[1]–[11] contain provisions enabling the automated detection, and consequent prosecution, of offences against the statutory rules, as defined in the Act, involving the responsibility of a driver of a motor vehicle—

- (a) to wear a seatbelt properly, or
- (b) to ensure a passenger in the vehicle wears a seatbelt properly.

**Schedule 2 Amendment of Transport Administration Act
1988 No 109**

Schedule 2 contains consequential amendments to the *Transport Administration Act 1988*.



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New South Wales

Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Road Transport Act 2013* in relation to the automated detection of seatbelt offences; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Road Transport Legislation Amendment (Automated Seatbelt Enforcement) Act 2023*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Road Transport Act 2013 No 18	1
[1] Section 134 Approval of devices by Governor		2
Insert after section 134(1)(h)—		3
(i) photographing a driver or passenger in a vehicle who is not wearing a seatbelt in compliance with the statutory rules.		4 5
[2] Section 134(2)(f3)		6
Insert after section 134(2)(f2)—		7
(f3) for a device that photographs a driver or passenger in a vehicle who is not wearing a seatbelt in compliance with the statutory rules—the registration number of the vehicle,		8 9 10
[3] Section 135 Definitions		11
Insert after section 135(1), definition of <i>detectable traffic offence</i> , paragraph (e)—		12
(f) a seatbelt offence.		13
[4] Section 135(1)		14
Insert in alphabetical order—		15
<i>seatbelt offence</i> means an offence against the statutory rules involving the responsibility of a driver of a motor vehicle—		16 17
(a) to wear a seatbelt properly, or		18
(b) to ensure a passenger in the vehicle wears a seatbelt properly.		19
[5] Section 135(2)(i)		20
Insert at the end of section 135(2)(h)—		21
, and		22
(i) an approved traffic enforcement device is <i>approved for seatbelt offences</i> if it is approved under section 134 for the use referred to in section 134(1)(i).		23 24 25
[6] Section 138 Admissibility of photographs taken by devices—generally		26
Insert after section 138(1)(f)—		27
(g) for proceedings for a seatbelt offence—a photograph that is tendered as—		28 29
(i) being taken by means of the operation, on a day specified on the photograph, of an approved traffic enforcement device that is approved for seatbelt offences, and		30 31 32
(ii) if the photograph is taken by a digital camera device—bearing a security indicator of a kind prescribed by the statutory rules.		33 34
[7] Section 139A, heading		35
Omit “ devices (other than a device approved for mobile phone use offences) for mobile phone use offences ”.		36 37
Insert instead “ certain devices for mobile phone use offences and seatbelt offences ”.		38
[8] Section 139A(1)		39
Omit the subsection. Insert instead—		40

- (1) This section applies if a photograph of a vehicle is taken by— 1
- (a) an approved traffic enforcement device that is evidence under this division of a detectable traffic offence, or 2
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 - (b) an approved toll camera that is evidence of a toll offence within the meaning of the *Roads Act 1993*, section 250A. 4
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- (1A) The photograph may also be tendered in evidence in proceedings for a mobile phone use offence or a seatbelt offence involving the driver of the vehicle even if— 6
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- (a) the photograph was not taken for the purposes of that offence, or 9
 - (b) the approved traffic enforcement device was not a device approved for offences of that type. 10
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- [9] Section 139A(2) and (3)** 12
- Insert “or seatbelt offence” after “mobile phone use offence” wherever occurring. 13
- [10] Section 183 Definitions** 14
- Insert at the end of section 183(1), definition of *appropriate approved traffic enforcement device*, paragraph (g)— 15
16
- , or 17
- (h) for a seatbelt offence—the following— 18
- (i) an approved traffic enforcement device that is approved for seatbelt offences, 19
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 - (ii) an approved toll camera, within the meaning of the *Roads Act 1993*, section 250A, that has taken a photograph that may be tendered in evidence under section 139A in proceedings for a seatbelt offence. 21
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24
- [11] Section 183(1), definition of “camera recorded offence”** 25
- Insert after paragraph (h)— 26
- (i) a seatbelt offence in relation to which the penalty notice or the court attendance notice indicates the offence was detected by an appropriate approved traffic enforcement device for the offence. 27
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Schedule 2	Amendment of Transport Administration Act	1
	1988 No 109	2
[1]	Section 80H Payments into Community Road Safety Fund	3
	Insert after section 80H(1)(a1)—	4
	(a2) all fines and penalties recovered for camera recorded seatbelt offences,	5
	and	6
[2]	Section 80H(4)	7
	Insert in alphabetical order—	8
	<i>camera recorded seatbelt offence</i> means a seatbelt offence, within the	9
	meaning of the <i>Road Transport Act 2013</i> , Part 5.3, Division 5, in relation to	10
	which the penalty notice or the court attendance notice indicates the offence	11
	was detected by the appropriate approved traffic enforcement device for the	12
	offence, within the meaning of that Act, Part 7.3, Division 2.	13